

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D. )  
Commissioner of Education )  
301 Centennial Mall South )  
P.O. Box 94933 )  
Lincoln, NE 68509-4933, )

Petitioner, )

v. )

Johnathan Shafer )  
c/o Adams County Jail )  
500 W. 4<sup>th</sup> Street )  
Hastings, NE 68901 )

Respondent. )

NDE Case No. 16-11

**FINAL ORDER**

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on August 5, 2016, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public school certificates of the Respondent, Johnathan Shafer, be permanently revoked. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Brian L. Halstead, Deputy Commissioner, on behalf of the Commissioner of Education. The Respondent did not appear. NPPC Clerk Kathi Vontz provided a summary of the NPPC's recommendation in this matter.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt were received into evidence as "Exhibit 2." Upon its independent review of the entire record, the State Board

finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866 (2014);

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Johnathan Shafer, c/o Adams County Jail, 500 W. 4<sup>th</sup> Street, Hastings, NE 68901;

4. The Respondent holds two public Nebraska certificates, i.e., (1) Standard administrative number 2015003459, endorsed as Principal 7-12, History 7-12, and Physics 7-12, with an expiration date of August 31, 2020; (2) Initial teaching number 2011005104, endorsed in History 7-12 and Physics 7-12, with an expiration date of August 31, 2016;

5. The Respondent was employed as a science teacher by the Hastings Public Schools beginning with the 2011-2012 school year until his resignation was accepted by the Hastings School Board on April 27, 2015;

6. On or about the beginning of the 2012-2013 school year, the Respondent engaged in an inappropriate relationship with a female high school student that ended with his arrest in April 2015;

7. On or about February 24, 2016, pursuant to a plea agreement, the Adams County Court found the Respondent guilty of Contributing to the Delinquency of a Child and Negligent Child Abuse, both Class I Misdemeanors, and sentenced the Respondent to one year of incarceration on both counts, to be served concurrently in the Adams County Jail; and

8. The Respondent has violated Neb. Rev. Stat. § 79-866(2) (2014) which states, in pertinent part: “The board may, for just cause, revoke or suspend any teacher’s or administrator’s certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher’s or administrator’s certificate by the board”; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02F (effective date: November 12, 2013) (“the educator . . . shall not sexually harass students, parents or school patrons, employees or board members”); Section 004.03C (same effective date) (“the educator . . . shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety”); Section 004.03D (same effective date) (“the educator . . . shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student”); Section 004.04E (same effective date) (“the educator . . . shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21”); Section 005.06D (same effective date) (“the educator . . . shall develop and maintain positive standards of conduct”); and Section 005.09D (same effective date) (“the educator . . . shall provide leadership and direction for others by appropriate example”);

9. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to permanently revoke Respondent’s certificates; and

10. The two public Nebraska certificates of Johnathan Shafer, i.e., (1) Standard administrative number 2015003459, endorsed as Principal 7-12, History 7-12, and Physics 7-12, with an expiration date of August 31, 2020, and (2) Initial teaching number 2011005104, endorsed in History 7-12 and Physics 7-12, with an expiration date of August 13, 2016, shall be permanently revoked beginning this date.

Dated this 5<sup>th</sup> day of August, 2016.

STATE BOARD OF EDUCATION

BY: Rachel Wise  
Rachel Wise, President

The vote by the State Board of Education to approve the Final Order in Case No. 16-11, on August 5, 2016, was 8 in favor, 0 against, \_\_\_\_\_ abstaining, and \_\_\_\_\_ absent. Individual State Board members voted as follows:

IN FAVOR: L. LARSEN, G. FLINT, R. WISE, J. WITZEL, P. TIMM, M. NICKELS,  
M. O'HOLLERAN, P. MCPHERSON

AGAINST: \_\_\_\_\_  
\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: \_\_\_\_\_

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon the Respondent, Johnathan Shafer, c/o Adams County Jail, 500 W. 4<sup>th</sup> Street, Hastings, NE 68901, via United States mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Brian L. Halstead, Deputy Commissioner, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 5<sup>th</sup> day of August, 2016.

Brenda L. Wid

49-1631-29